

✓ D. J. 8133. c. 57. 342.
1-4

A
LETTER
FROM
Some Electors,
TO
One of their Representatives
IN
PARLIAMENT.

SHEWING

The Electors Sentiments, touching the Matters
in dispute between the Lords and Commons
the last Session of Parliament, in Relation to
the Impeachments.

And giving

Some Advice to their Member, How to demean himself in
Parliament for the future.

LONDON, Printed, and sold by the Booksellers
of London and Westminster. 1701.

A LETTER

FROM

Some Electors,

TO

One of their Representatives

IN

PARLIAMENT.



The Electors Sentiments touching the Matters
in dispute between the Lords and Commons
the last Session of Parliament in Relation to
the Impeachments.

And giving

Some Advice to their Member, How to demean himself in
Parliament for the future.

LONDON Printed, and sold by the Booksellers
of London and Westminster. 1701.

To the Bookseller.

SIR,

I Think this Letter, which was sent to me by my Electors, worth printing, because as it has convinced me, it may convince others.

When I mentioned the publishing of it to two of the Authors, who happened to be in Town, they wished they had been more careful in their Style and manner of Expression, and made some small Alterations in this Copy after it had been made.

I think, tho' the Style is not in some places so smooth as it might be, yet 'tis plain; and, I hope, the printing of the ensuing Letter, as it is, may prove a Publick Service.

Yours,

To the Bookseller.

SIR,

I think this Letter, which was sent to me by my Editors, worth printing, because as it has convinced me, it may convince others.

When I mentioned the publishing of it to two of the Authors, who happened to be in Town, they wished they had been more careful in their Style and manner of Expression, and made some small Alterations in this Copy after it had been made.

I think, too, the Style is not in some places so smooth as it might be, yet 'tis plain; and, I hope, the printing of the ensuing Letter, as it is, may prove a Publick Service.

Yours,

T. H.

A 2

SIR,
WE thankfully acknowledge the Receipt of yours, with the state of Proceedings in the House of Commons, touching the impeach'd Lords, printed by the Order of that House. And also a Pamphlet, intitl'd, *A Vindication of the Rights of the Commons*, &c. We have also seen an Account of the Proceedings in the House of Lords, relating to the late Impeachments, printed by their Lordships Order.

We cannot forbear lamenting the Heats we observe between the two Houses, at a time when publick Danger from abroad makes Unity against a common Enemy so necessary. We conceive both Houses ordering their Proceedings to be printed, to be as it were appealing to the Judgment of the People, touching the Matters in dispute between them. And we having maturely considered these Proceedings without Prejudice, Passion, or Partiality, must needs say, that altho' our Inclinations are for the House of Commons, the Members thereof being Creatures triennially made by us and the rest of the People, and that we would have gladly found the Commons in the right; yet that Justice and Reason force us to acknowledge, That we observe in the Proceedings of the House of Lords great Temper, Moderation, Wisdom and Justice; and are extreamly mortified, that we cannot with Truth say, that we find the like Temper and Moderation in those of the House of Commons. And since all, even the wisest of Men, may err, and in this Case either the one House or the other must have erred, we think it very proper that those who have thus erred shou'd be

be admonish'd of it, by those by whom they have been employ'd, empower'd and intrusted : And we having employed, empowered and intrusted you to act for us in Parliament for three Years, or so much of that time as his Majesty shall think fit, have thought it proper to send you our Sentiments upon this occasion (hoping other Electors will do the like to the Members by them employed, the way to clean the whole Street, being for every Man to sweep before his own Door) and we are well assured your Modesty and Wisdom are too great to think your self infallible, or that it will be unbecoming or improper for us to give, or for you to receive our Sentiments on this occasion, by whom you are empowered and employed.

We Observe, That on the first of April the Earl of Portland, and on the 14th of the same Month the Earl of Orford and Lords Somers and Halifax were impeach'd generally of high Crimes and Misdemeanours. And the Commons declared, That in due time they would exhibit particular Articles against them, and make good the same. And the very next day, viz. the 15th of April, before any Trial had on any impeachment, or so much as any particular Articles exhibited, an Address was voted to his Majesty, to inflict a severe Punishment on the impeached Lords, viz. to remove them from his Council and Presence for ever. On the 23d of April this Address was presented. On the 24th Thanks were voted to his Majesty for his gracious Answer thereto. Which we take to be an high approbation of the Answer as effectual and satisfactory. On the 13th of May we find another Address voted, implying, that this Answer for which Thanks had been voted, was not satisfactory or effectual, viz. to desire his Majesty effectually to answer the Address for the perpetual banishment of the impeached Lords from his Council and Presence. Altho' the Crimes these Lords

(5)

were by the Commons found guilty of, were, as it should seem by them, thought so great as to give occasion for so speedy and so hot and fierce an Address: Yet we cannot but observe, That no particular Articles were exhibited or (for ought appears) prepared till after the 5th of *May*; and after the Lords observing the Summer to be coming on, and consequently the Session not likely to last long, had on the 5th of *May* (above a Month after the first Impeachment, and three Weeks after the three last) sent the Commons their first Message to hasten their exhibiting particular Articles. Which Message, how often it was repeated, appeared in the Proceedings, printed by Order of the House of Commons.

We observe further, That on the 9th of *May* the Articles were exhibited against the Earl of *Orford*, to which the Commons received his Answer on the 15th. That the Articles against the Lord *Somers* were exhibited the 19th of *May*, and his Answer sent to the Commons on the 24th. And that those against the Lord *Hallifax* were exhibited on the 13th or 14th of *June*; and his Answer sent to the House of Commons on the 16th of the same Month. But no particular Articles were ever exhibited against the E of *Portland*, who was the principal Actor in the Partition-Treaty; nor any Impeachment at all against some others that appear to have been concerned therein, as much, if not more, than the three Lords, against whom particular Articles were exhibited.

We observe further, That the Commons having (on the 15th of *May*) receiv'd the Earl of *Orford*'s Answer to the Articles against him, which had been first exhibited by the Commons, viz before any of the Articles against the other Lords. The Lords on the 31st of the same Month (above a fortnight after the Commons received that Earl's Answer) sent a Mes-

sage to acquaint them, That their Lordships had appointed the 9th of June for the Tryal of the Case of the B. of Orford.

And we cannot but here observe,

The Lords Care and Readiness to do Justice upon the Commons Impeachments, by causing the impeached Lords to answer the Impeachments in so short a time, and so quickly communicating their Answers to the Commons.

And we are sorry to observe further,

That upon this Message the Commons did not, as was reasonably expected, appear ready to prosecute and make good their Impeachment, and gladly to imbrace the Opportunity the Lords had given them of doing it out of hand, while Witnesses were alive, &c. nor did the Commons desire any particular further time, or say, they were not ready for want of any particular Witness or Evidence; but grew very angry and out of all Temper, which appears by the angry (and we take the Liberty to say *indecent*, Message they sent the Lords on this occasion on the 4th of June; wherein they assert, *That no Day ought to be appointed for Tryal of any Impeachment by the Commons, without some previous Signification to their Lordships from the Commons of their being ready to proceed therein. And that their Lordships Proceedings in this case were neither warranted by Precedents* (how true this is, *vide* the Precedents in the Lords printed Proceedings) nor as the Commons conceived consistent with the Methods of Justice, nor with Reason; And that the often Repetition of the Lords Message to put the Commons upon expediting their particular Articles tended to the Delay of Justice, which is as much as to say, That Expedition is Delay.

We observe further,

That after this fierce Message sent, upon Re-consideration of it, 'twas not thought to carry Reason enough in it to delay the Tryal; and therefore on the 5th and 6th of June, another

another Expedient was thought more effectual, which had not been hit upon before, *viz.* To propose to the Lords, in a Conference, That a Committee of both Houses should be nominated to consider of the most proper Ways and Methods of proceeding on Impeachments, according to the usage of Parliaments.

June 6. A Conference was desired, whereto the Lords presently agreed, notwithstanding the harsh Language in the 4th of June; and there this Proposal was made, --- To which the Lords disagreed; and shewed for Reasons, in moderate Terms.

1. That they found no Precedent for such a Committee in Case of Misdemeanours; and thought themselves obliged to be cautious in admitting any new thing in Matter of Judicature.

2. The ill Success of one Instance of such Committee in the Case of the Earl of *Danby*, and the five Popish Lords, who were impeached for High Treason. And this it seems is the only Instance of such a Committee for this Purpose.

3. Because the Methods of Proceedings on Impeachments are so well settled by the usage of Parliament, that the Lords foresaw no Difficulties like to happen; and that in a very late Instance of an Impeachment for Misdemeanours, the Preliminaries were easily adjusted without such Committee.

4. That this Proposal came so late, that the Lords could expect no Fruit of such Committee, but the preventing of the Tryals, during the Session.

And the Lords at the same time assured the Commons, (in Terms which speak Temper and Justice) That if any Difficulties should arise in the Progress of these Tryals their Lordships would be ready to comply with the Commons in removing them as far as Justice and the Usage of Parliament would permit.

Upon

Upon this, a free Conference is desired, and there the Managers for the Commons take Exception at some Words uttered by one of the Lords (none of them so bad as those used in the Commons Message of the 4th of June) and suddenly break off the Conference; and tho' a very civil Message was sent the same Day and renewed the next by the Lords to desire the Commons to come again to the free Conference, yet the Commons voted it, *Not consistent with their Honour to renew the Conference with the Lords until they [the Commons] had received Reparation for the Indignity offered them by the Lord Haverham.*

We observe further,

That altho' the Earl of Orford was first particularly impeached by the Commons, and his Answer first delivered to them, yet because the Commons had signified their desire to have the Lord Somers tryed first, the Lords comply'd with them, and proceeded to try him first, and sent the Commons a Note in Writing to acquaint them (or rather put them in mind) of the Methods wherein their Lordships would proceed: Which we take to be no other than what have been used before upon the like occasion.

And that the Lords proceeded to the Tryal of the Lord Somers, on the 17th of June, according to their last Notice, to which day they had put off the same, at the Commons Complaint of the shortness of the time of a former Notice; and then their Lordships sent a respectful Message to the House of Commons by two of the 12 Judges; that their Lordships intended presently to proceed to the Tryal of the Lord Somers in Westminster-Hall. And we observe, *That, notwithstanding all this, the Commons would not appear to prosecute at this Tryal; And that three Days after this Tryal, viz. the 20th of June, the Commons sent the Lords a Message, That they were ready to go to the Tryal of the Lord Somers, as soon as they had received Satisfaction for the Affront offered them by the Lord Haverham; and that the Preliminaries were adjusted by a Committee of both Houses; and that the Lords did*

as;

afterwards proceed to try the E. of Orford, and the Commons not appearing to make good their Impeachments against him (altho' they had Notice so to do) he was acquitted. We won't mention the three hot Resolutions of the 20th of June, and hope the Lords will not remember them.

S I R,

HAVING thus briefly mentioned the Proceedings of both Houses, we cannot but observe again very much, the Address voted to his Majesty, to remove the four impeached Lords from his Council and Presence for ever, the very next Day that three of them were only generally impeached, and especially when the Commons afterwards thought not fit to proceed against one of them at all. This we must say was a very extraordinary Proceeding: That heavy Punishment having made a part of the Lords Sentence, after hearing both sides on an Impeachment for very high Misdemeanours.

Those who have possessed high Preferments and great Trusts and Honours, and have by that means been placed in the view of the People, are (especially if they have gain'd a Reputation) highly sensible of their Honour. And 'tis reasonable, and for the publick Good, that this Sense of Honour shou'd be improv'd and cultivated to the highest Degree. What can be a more grievous punishment to Men in these Circumstances, than to be suddenly disgrac'd? And what greater Disgrace to such Men, than to be for ever banish'd from the Presence of their Prince, whose Favour they have had in a great degree? For a Person of lower Rank, to be for ever separated from his intimate Friend, is certainly a grievous punishment; but being for ever banished from the presence of a Prince, to a Person who in an eminent Station has enjoy'd a great Measure of his Favour, must needs be a far more grievous Punishment; for it puts him from an estate of

eminent Honour, to a state of notorious Infamy. To do this thus suddenly, is it not condemning without hearing? Tho' we do not say it, yet give us leave to propose the Question, Whether for the House of Commons (who had not any Power of Judicature in this Case, and whose Province was only to accuse and prosecute) thus to condemn without hearing, and giving the Defendants a reasonable Time and a legal Opportunity to make their Defence, was warranted by Precedents, or agreeable to the Methods of Justice or to Reason: We must therefore conclude this Proceeding to be the effect of Heat, and not of a judicious, temperate and calm Deliberation; promoted by some, whose Designs and Resentments made them hot and inconsiderate, and inadvertently complied with by others, who had the misfortune to suffer themselves to be misled by the former. Tho' we could not pass by this violent and sudden Emotion, nor omit to observe the quickness of the Commons proceeding to punish, in comparison of their proceeding to prosecute; tho' the latter were the more regular Proceeding, and more properly their Province than the assigning or pointing out the Species and Degree of Punishment, especially before any Trial: And tho' by comparing and considering things together, it seems very probable at least, if not plain, that those who had at this time the Government of Affairs in the House of Commons, when they voted these Impeachments in general, thought of nothing so much as the immediate and perpetual banishing these impeached Lords from his Majesty's Presence; and of nothing so little as the prosecuting and making good the Impeachments; especially, if they could have succeeded in the former. Yet we will pass by many other remarkable things, and proceed to consider the Matters which appear to have been in dispute between the two Houses of Parliament.

And

And those we take to be,
 1. Whether the Lords might not, according to the Methods of Justice and to Reason, appoint a Day for Trial of an Impeachment before them, without any previous signification from the Commons of their being ready to proceed.

2. Whether the Lords were obliged, according to the Usage of Parliament, or the Methods of Justice or Reason, to grant the Commons Request of a Committee of both Houses, to consider of the most proper Ways and Methods of proceeding on Impeachments, according to the Usage of Parliaments?

As to the first, we will see what the learned Sir *Humphry Mackworth* says as a Statesman, for as a Lawyer he scorns to argue.

He admits that the Right of Judicature is solely in the Lords; which, he says, implies a Power of Judging whether the Party accused be guilty or not guilty. To which he might have added a Power of Judging whether the Matter of the Accusation be an Offence, and of what Nature and Quality, and what Punishment it ought to receive. For we believe there never was any Instance, where the Commons upon an Impeachment, prescribed or pointed out what Punishment the Person impeached should receive for the Crime for which he was impeached, before that of the 4th of *June* last. Sir *Humphry* also confesses, That it seems proper for a Court of Justice to direct Circumstances, Matters of Form, &c. But then he says, That the appointing time for bringing in Article of Impeachment, and of Time and Place of Trial, is not necessarily implied in the Power of Judicature; and argues (as he would be thought to do, like a Statesman) that because the Lords may possibly abuse this Power of appointing Time, Place, &c. to the prejudice of Justice, therefore they have it not at all. And he is so fond of this choice Argument, as to illustrate it, That it is possible the Lords may, by abu-

sing

ling this Power, make the Impeachments of the Commons impracticable, by appointing a Time too short or too long, and a Place too remote, forty Years hence, or at *Truro* in *Cornwall*; and therefore they ought not to be intrusted with this Power at all. And might not he argue with as much Reason, That it is possible the Lords may abuse their Power of Judicature, by acquitting a Person impeached, when he is guilty, by punishing the Innocent, or letting the Guilty go unpunished, and therefore they ought to have no Power of Judicature at all? That because it's possible the Commons may abuse their Power of Impeachments, by complying with the Designs and Resentments of particular Men, and disturbing and interrupting the weighty Affairs of the Nation (which ought to be the Matter of their particular and greatest Regard and Care) in impeaching innocent Men, purely because others have a pique against them; and therefore the Commons ought to have no Power of impeaching at all? That because a Judge may abuse his Power in determining a Cause for the Plaintiff, when he ought to determine it for the Defendant, therefore there ought to be no Power of Judicature at all? This Argument tends manifestly to the making not only of Impeachments, but even of all Government, impracticable: And therefore we cannot agree or think that Sir *Humphry* has in this Particular argued like a Statesman or a Senator; tho', if he pleases, we will easily agree with him, That *herein he has not argued like a Lawyer at Westminster-Hall.*

If the Lords have the Power of judging and determining the Cause on an Impeachment, certainly they must have a Power of directing and ordering all other Matters in relation to that Cause, and necessary for the bringing it to a Determination. If they are intrusted with the former, surely they may, and ought to be entrusted with the latter. Neither House, in Case of an Impeachment, acts in their Legislative Capacity, they are not making a Law, but executing

cuting the Laws already made, when they are trying an Impeachment; and the Commons, on Impeachments, act only as Prosecutors and Accusers; and the Lords, as the Supreme Court of Judicature, before whom the Commons on an Impeachment, appear as Prosecutors, and the Persons impeached, as Defendants, and both as Parties Litigants in the Suit and Question, that is to be determined by the Lords, whose Duty it is, without any Regard to either of the Parties Litigants more than the other to determine and judge the Cause, according to Truth, Reason, Law and Justice. This being plainly so, in Case any Question relating to this Cause, arise between the Parties Litigants, previous to the Tryal as about the time of the Tryal, of the one Party's bringing in their Accusation, or the Other's answering, or the like, which the Party's Litigants cannot, or will not, agree between them: Who should determine that Question, but the Court before whom the Cause is depending, and who are intrusted with the determining of it, and who, if they do Injustice to either Party, must certainly answer for it, before the great Judge of Heaven and Earth? Let any Man but calmly consider, Whether it is more agreeable to the Methods of Justice or Reason, that such Questions as those before-mentioned should be determined by the Court before whom the Cause is depending, or by one of the Party's Litigants, without the consent of the other. Well therefore might the Lords wonder (as we and hundreds more of the People do) that the Commons (especially in a Matter wherein they were to deal with the Lords as a Court of Judicature, and before whom they were to appear as Prosecutors, and consequently as Suiters, viz. as one of the Party's Litigants) should without any Foundation for it, make use of such indecent and unreasonable Expressions, as they did in their Message of the 4th of *June*. Had the Commons, upon the Lords appointing a time for the Tryal of any of the Impeachments, represented to their Lordships in a decent manner,

the

the Reasons why they could not be ready for Tryal so soon and desired a longer time, we think the Lords ought in Reason and Justice, and we see no Reason to doubt but that they would have appointed some further time: But we can find no such thing in the printed Proceedings, but instead thereof a Message, which seems plainly the Effect of Heat, and not the Result of Deliberate Judgment. And therefore, as our Representatives do sometimes, and with good reason, enquire, Who gave our Sovereign such or such Advice, we and the rest of the People have Reason to enquire, Who advised our Representatives to form a Message which has so much exposed the Reputation their honourable Assembly have deservedly had both for Wisdom and good Manners.

Having said so much as to the first Point in dispute between the two Houses of Parliament, we shall need to say the less to the Second, *Viz.*

2. Whether the Lords were obliged, according to the Usage of Parliament, or the Methods of Justice and Reason, to grant the Commons Request of a Committee of both Houses, to consider of the most proper Ways and Methods of proceeding on Impeachments, according to the Usage of Parliaments?

Now we think the Lords were in no sort obliged to grant this Request, neither according to the Usage of Parliament, or the Methods of Justice or Reason.

1. They were not obliged to it according to the Usage of Parliament, because there is no Instance that such a thing has been ever done, in Case of an Impeachment for Misdemeanours; And if any one or two Instances of that kind could have been produced, it would by no Means have followed from thence, that because the Lords had once or twice agreed to such a Committee, that they must do it always, or whenever the Commons demanded it.

2. Nor were the Lords obliged to grant this Request, according to the Methods of Justice; for would it not seem

(171)

a very odd thing for one Party litigant to desire to confer with the Court wherein the Cause is depending, and that privately and in the absence of the other Party litigant; and to concert Measures and make as it were a private Bargain with the Court how the Court shall proceed against the other Party litigant, who at the same time is not there to defend himself, or make his Objections to the Measures proposed? We cannot think there is any Method like this of administering Justice practis'd in any Court where Justice is regarded.

3. Nor can we think that the Lords were in Reason obliged to comply with this Request? But, on the contrary, that their Lordships had a great deal of Reason to deny it, for the Reasons before-mentioned. Either the Methods of Proceedings on Impeachment were settled before, or they were not; if they were not, both Houses together, without the King, could not make a Law to settle them; much less cou'd a Committee of both Houses make such a Law. If they were settled before by long Usage, as no doubt they were, then it wou'd be but trifling away of Time [a thing very unbecoming a wise Council] to have Committees meet to settle that was settled before. Certainly no Body can deny, but that every Court is the Judge of their ancient Usage and Method of Proceeding: And therefore for the Lords to take in a Committee of the Commons, to judge of the ancient Method and Usage of Proceedings on Impeachments, was to let the Commons participate of their Judicature. The very wording of the Request admits the Method of Proceedings to be settled by Usage; for they were to consider of the most proper Methods of Proceeding according to the Usage of Parliament; they were not to adjust any new Methods, but to be confin'd to the old ones. And if the Usage had settled it before, what need of settling it again?

We are sorry to say, That we can see no colour of Reason why (if the Commons design'd to proceed with their

Impeachments, they should insist that they would not proceed therein till the Preliminaries were adjusted by a Committee of both Houses, and that they had received satisfaction for the Affront offered them by the Lord *Haversham*. There being no Comparison between that and the Affront offered a little before by them to the House of Lords, who might with much more Reason have refused to proceed upon the Commons Impeachment, till their Lordships had received Satisfaction for the Affront offered to them: But their Lordships acted with more Moderation, Reason and Justice, than to delay doing Justice on that Score.

If these Impeachments were not well grounded, 'tis pity they were ever begun; if they were well grounded, we think them ill prosecuted. Those who prosecute a Matter well, do always endeavour to avoid all manner of unnecessary Disputes that may lie in their way; and 'tis those who are prosecuted, and are conscious of Guilt and fearful of Punishment, that usually endeavour to delay and to perplex the Proceeding with unnecessary Disputes, in hopes by raising a Cloud of Dust to escape under the cover of it. When therefore we heard that a Dispute was between the two Houses, touching a Committee to settle Preliminaries for trying the impeached Lords, we thought it had been the impeached Lords had desired such a Committee, thereby to raise unnecessary Disputes, and avoid, or at least to delay, the Punishment due to the Crimes whereof they were impeached: But we were surpriz'd to find, upon reading the printed Proceedings, that that Dispute was begun and persisted in by the Commons, who were the Prosecutors. And upon reconsideration of the Matter, and of the Commons persisting in demanding a Committee of both Houses, after the Lords had refused it; and also refusing to renew the Conference, wherein they might have been convinced of the needlessness and unreasonableness of that Demand; we cannot but agree with

with the Lords in inferring from this Demand and Refusal; with other the Circumstances we have observed in the Management of this Prosecution: That the Commons (whereby we will understand only those who were the Promoters and Managers of these Impeachments) never design'd to bring any of them to Trial.

SIR,

YOU having fate, and being again to sit in the Honourable House of Commons by our Choice, give us leave to advise you, in some Particulars, how to demean your self for the future, while you continue in our Service there.

1. To endeavour to prevail with the House, not any more to assist in these Matters, nor to expect that the Lords, when in the Right, must yield to them, when in the Wrong; but to bury these Matters in Oblivion, or at least to compose them.

2. To endeavour to look thoroughly into all Matters your self, and see with your own Eyes, and not to be guided by others, and especially by those whom you have observed to mislead the House in any of the Instances before-mentioned. Remember the Saying, which some of us have read in *Lactantius*, *Sapientiam sibi adimunt qui sine ullo Judicio inventa majorum probant & ab aliis pecudum more ducuntur*. We have been told, and fear it is too true, That there are some designing Men, that not only endeavour to beat others down only to set themselves up, and get into the Head of the Management of Affairs, but also to put the House of Commons upon doing such things as may loose their Reputation and Value with the People, that when they get into the Managery they may act Arbitrarily as they please; who endeavour to disgrace Impeachments, that they may prove of little or no Weight on them when they shall come to lie under them. This

is a thing well worthy your Consideration. *These Men are but ill Guides to follow, and we are well satisfied you had much better follow the light of your own Reason, which we are satisfied is Great, especially for a Person of your Youth.*

3. Not in your Speeches to affect or use Jest or Satyrical Reflections, nor to regard those that do; these do but entertain the fancy or move the Passions, and hinder, if not utterly spoil, the Judgment, by banishing all serious Thoughts, and are very inconvenient as well as unbecoming to a Council, they hinder the effect of wise Advice, but never produce any. He who uses Speeches full of Jest or Satyr, deserves not to be regarded or heard in a wise Assembly, who meet upon more serious Matters, he is the greatest Enemy to mature and wise Deliberation, and is much more fit to entertain the People in some other Publick Place, than to represent them or advise concerning their Affairs in an House of Commons. We cannot but blush to hear that any Ears while in that August Assembly upon the great Affairs of the Nation, should be open to trifling Folly and Buffoonry, hardly fit for a Stage, much less for a wise National Council.

It is this Levity, and the Passions that have been raised by it, that has produced Resolutions which, both for the Matter, and the manner of them seem rather the product of a giddy-headed Multitude, than the Resolves of a serious Debate, mature Deliberation and wise Council. Bitter, fierce or harsh Expressions are no Arguments; and Men of Reason are apt to think them in the wrong that use them, because they are more likely to be the Effects of Passion than Judgment; and we must confess, That when, upon first Reading the printed Proceedings, we observed the temperate and sweet Expressions used by the House of Lords, and those fierce, hot and bitter ones used by the Commons, we were almost induced, upon that score, to think the Lords in the right, who we now are fully convinc'd were so, and that upon very mature Deliberation.

We

We cannot leave this Reflection without expressing our great Grief and Concern for the Loss of Reputation, which our House of Commons has sustained with wise and considerate Men, by some of their hot Proceedings; And we fear they will lose more of their Esteem, if they do not alter their Measures, every Person they impeach, and do not make good the Impeachment against him, lessens the Value of their Management. Every Person they imprison and do not, according to *Magna Charta*, put to answer according to the Laws of the Land, lessens the Reputation of their Justice, insomuch that not one Member that sits there, and has any considerable Estate, would think himself safe in the possession of his Estate, if his Title were to be determined by the House of Commons, but thinks himself more safe in *Westminster Hall*; and what is the reason, but because Experience has shown, that there Proceedings and Judgments are had, according to *Rules of Law*, and not according to *Passion, Party, or Interest*. We believe, *If there were any Land to be purchased, whose Title, when in dispute, was to be determined by a Committee of Electors, no Member of the House of Commons would give ten Years Purchase for such Land: And yet every Injustice that is done in that Committee, tends to the Diminution of the Honour and Justice of the House of Commons, and must be one Day accounted for.*

4. Another thing which we must not omit is, *To oppose all Instances of making the Legislative Power Executive.* 'Tis the Business of the Legislative Power, *To make Rules and Laws*; and of the Executive, *To apply those Rules or Laws to particular Cases*: And the Province of the House of Commons, *To Impeach*; and of the House of Lords, *To punish those who in the executive Part, shall wilfully transgress those Rules and Laws, whereto their Judgments and Actions ought to be conformed.*

By this Means all the good Ends of Government may be answered, *Viz. All the disorderly Passions and Actions of all Men*

Men, restrain'd. The Persons composing the Legislative, will fear to make ill Rules, lest they themselves should suffer by them; and those in the Executive, will fear to transgress those Rules, lest they should, for so doing, be impeached by the Grand Inquest of the Nation [the House of Commons] and punished by its Grand Court of Judicature [the Great Assembly of all the Noble Peers of the Realm.]

SIR,

WE hope we need not admonish you, not to be influenced, much less enflamed, with Zeal for any Party: To consider, that you come there to deliberate for *the Good of the Whole*; and not to set up one Party of Men over another; nor to let Fear or Hatred, Love or Interest, influence you in what you shall Say or Vote in that Honourable Assembly; but *let Justice, and the Good of the whole Nation, be your principal Care, and the Spring by which you are moved, in every Thing you Say and Do, in that our National Council.* And to let those, who would sollicit you to serve their particular Designs, know you are sensible that your Duty there is not to promote the Interest of particular Men, but *the Good of the Whole*: We must again repeat to you, and desire you often, to put that great Assembly in Mind, *That 'tis not hot Resolutions, but calm Wisdom and Justice, that gives Reverence and Authority to Councils.* By so doing, the Great Assembly of our Representatives, will continue in Great Honour and Esteem with the People, whose Bulwark they are, against Arbitrary Power, and therefore should, by all Means, avoid exercising any Arbitrary Power themselves, which will certainly, in time, diminish the Power they justly have by putting the People to seek for Protection against the *Arbitrary Power of the Commons*, in the Prerogative of the Crown or Power of the House of Lords, which Prerogative and Power, *they will be apt to extend beyond their due Limits*, when the House of Commons shall give them but too great Occasion to fly to
this

(23)

this *Prerogative* or *Power* for a Refuge against their Arbitrary Oppression. 'Tis needless to mention any of the many Instances History furnishes us with, of the Loss of *Power* by the abuse of it. We therefore sincerely hope and desire, that the House of Commons may continue to use but not exceed their just power, that so they may effectually keep it, and preserve that entire, which we think a very great Security to us against the Dangers of the excessive *Prerogatives* of Arbitrary Monarchy or the Exorbitant Powers of an Arbitrary Aristocracy. And the best way to preserve the just Powers of King, Lords and Commons entire, and also a good Correspondence between them, is (as the Lords do very wisely observe, in their Message to the Commons of the 4th of June) for neither to exceed those Limits, which the Law and Custom of *Parliaments* have already established.

We conclude with a part of the *Common-Prayer*, to shew that we don't dissent from the Church, tho' we do from the House of Commons, in some of their late Proceedings.

That God would be pleased to direct and prosper all the Consultations of our Parliaments, to the Advancement of his Glory, the Good of his Church, and the Safety, Honour and Welfare of our Sovereign and his Kingdoms. And that all things may be so ordered and settled, by their Endeavours, upon the best and surest Foundations : That Peace and Happiness, Truth and Justice, Religion and Piety, may be established among us for all Generations ; are, and shall be, the sincere and hearty Prayers of,

S I R,

Your affectionate Friends,

and humble Servants,

J.D. H.W. T.S. R.L. &c.

this Executive or Power for a Refuge against their Arbitrary Oppression. 'Tis needless to mention any of the many Instances History furnishes us with, of the Loss of Power by the abuse of it. We therefore sincerely hope and desire that the House of Commons may continue to rise but not exceed their just power, that so they may effectually keep it, and preserve that entire, which we think a very great security to us against the Dangers of the excessive Privileges of Arbitrary Monarchy or the Exorbitant Powers of an Arbitrary Aristocracy. And the best way to preserve the just Powers of King, Lords and Commons is, to keep a good Correspondence between them; is for the Lords do very wisely observe, in their Message to the Commons of the 4th of June, for neither to exceed those Limits, which the Law and Custom of Parliament have already established.

We conclude with the Common Prayer, to show that we don't doubt the Church, tho' we do from the House of Commons.



That God would be pleased to direct and prosper all the Constitution of our Parliament, to the advancement of his Glory, the Good of his Church, and the Safety, Honour and Welfare of our Sovereign and his Kingdom. And that all things may be so ordered and settled by their Endeavours upon the best and surest Foundations: That Peace and Happiness, Truth and Justice, Religion and Piety, may be established among us for all Generations; and shall be the sincere and hearty Prayers of,

Yours affectionate Friends,
and humble Servants,
J. D. H. W. T. S. R. L. &c.

